

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IRMA MARQUEZ,
-vs-

Index No. 08 CV 4903
(J. Robinson)

THE CITY OF YONKERS, ET. AL.,

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.

Undersigned deponent, being duly sworn deposes and says that said deponent is not a party to this action, is over the age of eighteen years and resides in the State of New York. Deponent served the within process as follows:

PROCESS SERVED: SUMMONS, JURY TRIAL DEMAND and COMPLAINT

PARTY SERVED: DEPUTY CHIEF EDWARD GEISS

LOCATION OF SERVICE: 104 South Broadway, 3rd Floor
Yonkers, NY 10701

PARTY ACCEPTING SERVICE: Deputy Chief Edward Geiss
DATE OF SERVICE: 6/23/08 **TIME OF SERVICE:** 10:37 a.m.

An approximate description of the person served with process listed herein:

SEX: M SKIN COLOR: White HAIR: Blond AGE: 47 HEIGHT: 5'9"
WEIGHT: 176 OTHER FEATURES:

Deponent further states that the within process was served in the following manner:

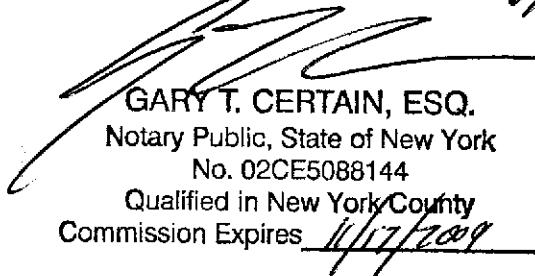
By delivering a true copy of each to said defendant personally, at the address given above.
Deponent knew the person served to be the person described as said person therein.

At the time of service, deponent asked the defendant if he was in the military service of this state or nation or any other nation, and he responded in the negative.

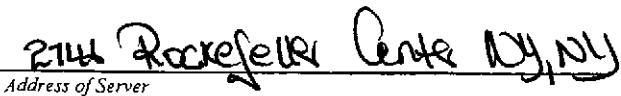

ERIC AVERBACH
NYC Lic. #918927

SWORN TO BEFORE ME ON

6/26/2008


GARY T. CERTAIN, ESQ.
Notary Public, State of New York
No. 02CE5088144
Qualified in New York County
Commission Expires *11/17/2009*

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	6/23/08
NAME OF SERVER /PRINT/ Eric Averbach	TITLE	Process Server
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: Yonkers Police Department: 104 South Broadway, 3rd Floor Yonkers, NY 10701		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00 \$ 40.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>6/26/08</u>	 <u>Date</u> <u>Signature of Server</u>	
 <u>Address of Server</u>		
		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

SUMMONS IN A CIVIL ACTION

IRMA MARQUEZ

v

08

CASE NUMBER:

100-000000000000000000

THE CITY OF YONKERS, CITY OF
YONKERS POLICE DEPARTMENT,
POLICE OFFICER WAYNE SYMOES,
POLICE OFFICER STEPHEN WALLIN,
POLICE OFFICER JOHN LIBERATORE,
POLICE OFFICER TODD MENDELSON,
DEPUTY CHIEF EDWARD GEISS,
DETECTIVE JAMES J. McCABE, POLICE
OFFICER RANCE HOWARD, POLICE
OFFICER INTERVALLE, POLICE
OFFICER ESTEVEZ,

TO: DEPUTY CHIEF EDWARD GEISS
c/o CITY OF YONKERS POLICE DEPARTMENT
104 SOUTH BROADWAY
YONKERS, NEW YORK 10701

YOU ARE HEREBY SUMMONED and required to serve on Plaintiff's Counsel, Certain & Zilberg, PLLC 535 Fifth Avenue, New York, New York 10017.

an answer to the complaint which is served on you with this summons, within _____ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J MICHAEL McMAHON
CLERK

MAY 28 2008

DATE

Catherine Lapsley
(By) DEPUTY CLERK